

FORTY- SEVENTH LEGISLATURE HB 368/a
FIRST SESSION, 2005

March 11, 2005

Madam President:

Your CORPORATIONS AND TRANSPORTATION COMMITTEE, to whom has been referred

HOUSE BILL 368

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, between lines 15 and 16, insert the following new section:

"Section 1. Section 13-1-104 NMSA 1978 (being Laws 1984, Chapter 65, Section 77, as amended) is amended to read:

"13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE. --

A. An invitation for bids or a notice thereof shall be published not less than ten calendar days prior to the date set forth for the opening of bids. In the case of purchases made by the state purchasing agent, the invitation or notice shall be published at least once in at least three newspapers of general circulation in this state; in addition, an invitation or notice may be published electronically on the state purchasing agent's web site that is maintained for that purpose. In the case of purchases made by other central purchasing offices, the invitation or notice shall be published at least once in a newspaper of general circulation in the area in which the central purchasing office is located. These requirements of publication are in addition to any other procedures that may be adopted by central purchasing offices to notify prospective bidders that bids will be received, including publication in a trade journal, if available. If there is no newspaper of general circulation in the area in which the central purchasing office is located, such other notice may be given as is commercially reasonable.

FORTY- SEVENTH LEGISLATURE
FIRST SESSION, 2005

SCORC/HB 368

Page 2

B. Central purchasing offices shall send copies of the notice or invitation for bids involving the expenditure of more than [~~ten thousand dollars (\$10,000)~~] twenty-five thousand dollars (\$25,000) to those businesses that have signified in writing an interest in submitting bids for particular categories of items of tangible personal property, construction and services and that have paid any required fees. A central purchasing office may set different registration fees for different categories of services, construction or items of tangible personal property, but such fees shall be related to the actual, direct cost of furnishing copies of the notice or invitation for bids to the prospective bidders. The fees shall be used exclusively for the purpose of furnishing copies of the notice or invitation for bids of proposed procurements to prospective bidders.

C. A central purchasing office may satisfy the requirement of sending copies of a notice or invitation for bids by distributing the documents to prospective bidders through electronic media. Central purchasing offices shall not require that prospective bidders receive a notice or invitation for bids through electronic media.

D. As used in this [~~subsection~~] section, "prospective bidders" includes persons considering submission of a bid as a general contractor for the construction contract and persons who may submit bids to a general contractor for work to be subcontracted pursuant to the construction contract. Central purchasing offices shall make copies of invitations for bids for construction contracts available to prospective bidders. A central purchasing office may require prospective bidders who have requested documents for bid on a construction contract to pay a deposit for a copy of the documents for bid. The deposit shall equal the full cost of reproduction and delivery of the documents for bid. The deposit, less delivery charges, shall be refunded if the documents for bid are returned in usable condition within the time limits specified in the documents for bid, which time limits shall be no less than ten calendar days from the date of the bid opening. All forfeited deposits shall be

FORTY- SEVENTH LEGI SLATURE
FIRST SESSI ON, 2005

SCORC/HB 368

Page 3

credited to the funds of the applicable central purchasing office. "".

2. Renumber the succeeding section accordingly.

3. On page 2, between lines 22 and 23, insert the following new section:

"Section 3. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2005. "

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Sanchez, B., Snyder

Absent: None

HB0368CT1

. 155485. 2